

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRANDON WELLS,

No. C 06-03191 WHA

Plaintiff,

v.

**NOTICE RE HEARING**

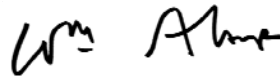
CINGULAR WIRELESS LLC,

Defendant.

At page 9, defendant states "The only discovery that should be permitted prior to class certification is that which pertains to the issue of class certification. *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 n. 13 (1978)." Please re-read footnote 13 in *Oppenheimer* and address at the hearing the question of the accuracy of the above-quoted argument.

**IT IS SO ORDERED.**

Dated: September 5, 2006



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE